

REMARKS

Claims 1-18 are pending.

By this Amendment, Claims 13-18 are added. Support for the subject matter recited by Claims 13-18 is provided, at least, for example, in Figures 3 and 4 of the application as originally filed.

Applicants respectfully submit that no new matter is presented herein.

Claim Rejections – 35 U.S.C. §112, First Paragraph

Claims 4 - 9 are rejected under 35 U.S.C. §112, first paragraph. Applicants respectfully traverse the rejection for at least the following reason(s).

The Office Action asserts the position that the feature “wherein the discharge angle (β) is equal to the inflow angle (α),” *may* be interpreted to mean that every angle (β), formed by a radial line (L) of the friction plate passing through an inner end of the discharge oil channel itself, of which there are many, is equal to every angle (α), of which there are many. The Office Action further asserts that while there are particular angles (β) that may be equal to particular angles (α), the Examiner interprets the feature as not being enabled in such a way as to enable one skilled in the art to make the claimed invention because every angle (β) is not equal to every angle (α).

Applicants respectfully submit that page 3, lines 1-3 of the originally filed application clearly states that the plurality of oil channels are parallel relative to each other. Moreover, Claims 4-6 of the application clearly recite the discharge angle (β) is equal to the inflow angle (α) relative to the radial line (L) of the friction plate passing therethrough. Applicants note the recited feature is illustrated in Figure 2 of the application and discussed at least on page 5, lines 8-19.

Applicants respectfully submit the Examiner is interpreting the feature recited by Claims 4-6 in a manner that is inconsistent with the Applicants disclosure, is contrary to that which is expressly described by the application as originally filed, and ignores the plain and ordinary meaning of the terms used in the recited features as described in the written disclosure. The Applicants originally filed application describes and illustrates in Figure 2 the feature of the discharge and inflow angles (β and α) being equal to each other relative to the radial line (L) of the friction plate, yet the Examiner arbitrarily selects lines and supposedly measures angles in a marked-up version of Figure 2 to support the notion that, *maybe*, not every discharge angle (β) is equal to each inflow angle (α) relative to the radial line (L). Applicants remind the Examiner that the figures provided with a patent application are not drawn to scale and are intended to represent the features that are discussed in the written disclosure as well as claimed in the pending claims to help one of ordinary skill in the art understand the Applicants invention. The Examiner cannot modify the drawings to support an interpretation that is directly contrary to that which is expressly described in the written disclosure and contrary to the plain and ordinary meaning of the terms used therein.

Applicants respectfully submit that one of ordinary skill in the art would readily and without undue experimentation be able to make the invention recited by Claims 4-6 by simply reading the relevant portions of the written disclosure in combination with the features illustrated in the exemplary embodiment provided in Figures 1 and 2 of the application as originally filed, especially if such a person would attach the plain and ordinary meaning to the terms recited therein. Moreover, Applicants respectfully submit that the interpretation asserted by the Examiner is not only arbitrary and factually

erroneous, but is directly contrary to that which is discussed in the cited passages and illustrated in the relevant figures.

The Office Action asserts the position that the feature “wherein the discharge angle (β) is less than the inflow angle (α),” *may* be interpreted to mean that every angle (β), formed by a radial line (L) of the friction plate passing through an inner end of the discharge oil channel itself, of which there are many, is less than every angle (α), of which there are many. The Office Action further asserts that while there are particular angles (β) that may be less than particular angles (α), the Examiner interprets the feature as not being enabled in such a way as to enable one skilled in the art to make the claimed invention because every angle (β) is not less than every angle (α).

Applicants respectfully submit that page 3, lines 1-3 of the originally filed application clearly states that the plurality of oil channels are parallel relative to each other. Moreover, Claims 7-9 of the application clearly recite the discharge angle (β) is less than the inflow angle (α) relative to the radial line (L) of the friction plate passing therethrough. Applicants note the recited feature is illustrated in Figure 3 of the application and discussed at least on page 7, lines 14-22.

Applicants respectfully submit the Examiner is interpreting the feature recited by Claims 7-9 in a manner that is inconsistent with the Applicants disclosure, is contrary to that which is expressly described by the application as originally filed, and ignores the plain and ordinary meaning of the terms used in the recited features as described in the written disclosure. The Applicants originally filed application describes and illustrates in Figure 3 the feature of the discharge angle (β) is less than the inflow angle (α) relative to the radial line (L) of the friction plate, yet the Examiner arbitrarily selects lines and

supposedly measures angles in a marked-up version of Figure 2 to support the notion that, *maybe*, not every discharge angle (β) is less than every inflow angle (α) relative to the radial line (L). Applicants remind the Examiner that the figures provided with a patent application are not drawn to scale and are intended to represent the features that are discussed in the written disclosure as well as claimed in the pending claims to help one of ordinary skill in the art understand the Applicants invention. The Examiner cannot modify the drawings to support an interpretation that is directly contrary to that which is expressly described in the written disclosure and contrary to the plain and ordinary meaning of the terms used therein.

Applicants respectfully submit that one of ordinary skill in the art would readily and without undue experimentation be able to make the invention recited by Claims 7-9 by simply reading the relevant portions of the written disclosure in combination with the features illustrated in the exemplary embodiment provided in Figures 1 and 3 of the application as originally filed, especially if such a person would attach the plain and ordinary meaning to the terms recited therein. Moreover, Applicants respectfully submit that the interpretation asserted by the Examiner is not only arbitrary and factually erroneous, but is directly contrary to that which is discussed in the cited passages and illustrated in the relevant figures.

In view of the above, Applicants respectfully submit that Claims 4-9 are fully enabled by the application as originally filed such that a person of ordinary skill in the art to which the claimed invention pertains would readily and without undue experimentation be able to make the invention recited therein.

Withdrawal of the rejection is respectfully requested.

Claim Rejections – 35 U.S.C. §112, Second Paragraph

Claims 4-9 are rejected under 35 U.S.C. §112, second paragraph. Applicants respectfully traverse the rejection for at least the following reason(s).

The Office Action states Claim 1 recites the discharge angle (β) and inflow angle (α) to be variables that *may* represent different values. Applicants respectfully submit that the Office Action mischaracterizes that which is actually recited by Claim 1.

Rather, Claim 1 expressly defines the discharge angle (β) and inflow angle (α) relative to a radial line (L) of the friction plate. Specifically, Claim 1 recites how or in which direction the discharge angle (β) and inflow angle (α) incline relative to the radial line (L). At no point does Claim 1 recite, expressly or inherently, the possible values of either angle.

For the Office Action to assert any other position regarding the possible value(s) that are represented by the discharge angle (β) and inflow angle (α) is based on pure fiction. The Office Action appears to be reading features into Claim 1 that are simply not recited therein.

Accordingly, the remaining premise of the rejection, that is, that the features recited by Claims 4-6 wherein the discharge angle (β) and inflow angle (α) are equal to each other represent different values than what is recited in Claim 1 is simply false because the angles in Claim 1 do not recite any values but rather the feature of how the angles are oriented relative to the radial line (L) of the friction plate. Applicants respectfully submit that the same argument applies to Claims 7-9. That is, while Claim 1 does not recite any value for the discharge angle (β) and the inflow angle (α), Claims

4-9 further narrow the scope of Claims 1-3 by reciting the feature of the discharge angle (β) being equal to or less than the inflow angle (α).

The Office Action asserts an improper basis for the rejection by first reading a feature that is not recited by Claim 1 into Claim 1, that is, that the discharge angle (β) and inflow angle (α) recited by Claim 1 recite a value when in fact Claim 1 does no such thing, and then argues that the non-existent value is contradictory to the values recited by Claims 4-9.

Since Claim 1 does not recite a value for the discharge angle (β) and the inflow angle (α), and Claims 4-9 further limit the scope of the invention recited therein by reciting certain values of the angles, Applicants respectfully submit that Claims 4-9 are clear and definite, contrary to the erroneous basis upon which the rejection of Claims 4-9 is asserted by the Office Action.

As such, Applicants respectfully request withdrawal of the rejection.

Claim Rejections – 35 U.S.C. §102/§103

Claims 1-9 and 10-12 are rejected under 35 U.S.C. §102(b) as being anticipated by United States Patent Number 4,878,282 to Bauer; and Claim 10 is rejected under 35 U.S.C. §103(a) as being unpatentable over Bauer in view of United States Patent Number 4,396,100 to Eltze. Applicants respectfully traverse the rejections for at least the following reason(s).

Claim 1 recites a wet clutch friction plate for use with a clutch plate, the friction plate including, among other features, friction material bonded to a side face of a core plate **and** *disposed between the clutch plate and the core plate*. Applicants respectfully submit that Bauer does not disclose, teach or suggest such a feature.

The Office Action admits that Bauer does not disclose, teach or suggest a clutch plate, yet the Office Action argues the friction plate taught by Bauer is “fully capable of being used with a clutch plate.” Applicants respectfully submit that the Office Action appears to be asserting a standard for rejecting claims under an anticipatory rejection that is not valid or proper. Applicants respectfully remind the Office that to qualify as prior art under 35 U.S.C. §102, each and every feature recited by a rejected claim ***must*** be taught or suggested by the cited reference.

Applicants respectfully submit that Bauer does not disclose, teach or suggest the friction plate has friction material bonded to a side face of the supporting plate 1 wherein the friction material is disposed between the admittedly non-existent clutch plate and the supporting plate 1. Moreover, while it is indeed possible that the friction plate disclosed by Bauer could be used with a clutch plate, as asserted by the Office Action, Bauer is totally silent to the structural feature of the friction material or lining 3 being disposed between the non-existent clutch plate and the supporting plate 3. Applicants respectfully submit that so long as the friction plate disclosed by Bauer could possibly be arranged such that the friction material or lining 3 is disposed between the supporting plate 1 and any other structural element besides a clutch plate, Bauer cannot be said to anticipate or render obvious the invention recited by Claim 1.

Because Bauer does not disclose, teach or suggest each and every feature recited by Claim 1, Applicants respectfully submit that Claim 1 is not anticipated by or rendered obvious in view of Bauer. As such, Applicants respectfully submit that Claim 1 be deemed allowable over Bauer.

Eltze is cited for teaching a central oil channel defined in friction material, but does not cure or otherwise address the above-described deficiency of Bauer. Accordingly, applicants respectfully submit that Bauer and Eltze, alone or in any combination thereof, do not render Claim 1 obvious. As such, Applicants respectfully submit that Claim 1 be deemed allowable over the combination of Bauer and Eltze.

Claims 2-18 depend from Claim 1. It is respectfully submitted that these dependent claims be deemed allowable for at least the same reason(s) Claim 1 is allowable, as well as for the additional subject matter recited therein.

As such, Applicants respectfully request withdrawal of the rejections.

Conclusion

In view of the foregoing, Applicants respectfully request reconsideration of the application, withdrawal of the outstanding rejections, allowance of Claims 1-18, and the prompt issuance of a Notice of Allowability.

Should the Examiner believe anything further is desirable in order to place this application in better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 01-2300, **referencing docket number 107348.00603.**

Respectfully submitted,
ARENT FOX LLP



Murat Ozgu
Registration No. 44,275

Customer No. 004372

Arent Fox LLP

1050 Connecticut Avenue, NW, Suite 400

Washington, DC 20036-5339

Telephone: (202) 857-6000

Facsimile: (202) 857-6395

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